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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,077	12/14/2001	James L. Filson	C1069.700941	7531
37462	7590	12/23/2003		
LOWRIE, LANDO & ANASTASI RIVERFRONT OFFICE ONE MAIN STREET, ELEVENTH FLOOR CAMBRIDGE, MA 02142				
EXAMINER CINTINS, IVARS C				
ART UNIT		PAPER NUMBER		
1724				

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/017,077	12/14/2001	James L. Filson	C1069.7009.41

EXAMINER	
I. Cintins	
ART UNIT	PAPER NUMBER
1724	

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The communication filed on September 17, 2003 is not deemed to be fully responsive to the Office Action dated June 12, 2003 because this communication fails to comply with the requirements of 37 CFR 1.111(b). 37 CFR 1.111(b) states:

In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a *bona fide* attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

Serial Number: 10/017,077

Page 2

Art Unit: 1724

The Office Action dated June 12, 2000 contains a statement that claims 12-15, 17-19 and 21-29 are directed to an invention not patentably distinct from claims 12-14, 17-19, 21 and 22 of commonly assigned application Serial No. 10/001,543 (see page 2, first paragraph). This Office action further contains a requirement, under 37 CFR 1.78(c), for the assignee to either show that the conflicting inventions were commonly owned at the time the invention in this application was made or to name the prior inventor of the conflicting subject matter (see page 3, lines 4-8). The communication filed on September 17, 2003 does neither, and therefore this communication does not comply with the requirements of 37 CFR 1.78(c).

The Office Action dated June 12, 2000 also contains a provisional rejection of claims 12-15, 17-19 and 21-29 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12-14, 17-19, 21 and 22 of copending application Serial No. 10/001,543 in view of Tagashira et al. Applicant's communication filed September 17, 2003 acknowledges this rejection (see page 6), but fails to respond to it; and therefore, this communication does not satisfy the requirements of 37 CFR 1.111(b) for reconsideration or further examination.

Serial Number: 10/017,077

Page 3


Art Unit: 1724

Since the above noted communication appears to be *bona fide*, Applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment of the application. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Blaine Copenheaver, can be reached at (571) 272-1156.

The centralized facsimile number for the USPTO is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0987.

  
Ivars C. Cintins  
Primary Examiner  
Art Unit 1724

I. Cintins  
December 14, 2003